

February 25, 2003

John L. Henshaw
U.S. Department of Labor
Office of the Assistant Secretary
Occupational Safety and Health Administration - Room: S2315
200 Constitution Avenue
Washington, D.C. 20210

Dear Secretary Henshaw,

We are writing to you regarding a very serious accident that occurred in the state of Delaware and how your agency may aid in the prevention of similar accidents across the country.

On July 21, 2001, the Motiva oil refinery in Delaware City experienced a catastrophic event when a storage tank containing spent sulfuric acid exploded after hot work being performed at the site ignited flammable vapors leaking from the tank. The accident killed one worker and injured eight others.

During a subsequent investigation of the accident, it was found that this storage tank was in substandard condition. Not only was the tank subjected to severe erosion, but also to numerous leaks over the years. Repeated warnings about the tank's problems were not acted upon, including one just two months before the accident. It is clear that competent maintenance practices and safe work standards could have prevented this tragedy.

Because of the seriousness of this accident, the U. S. Chemical Safety and Hazard Investigation Board was called upon to conduct a detailed investigation of the July 21, 2001 event. The Board was able to pinpoint several root causes for the tragedy and, in its investigation report dated October 2002, included several recommendations it believes can aid in preventing future ones.

One of the recommendations suggested by the Board is to expand OSHA's coverage under the Process Safety Management Standard (29 CFR 1910.119) to include aboveground storage tanks that interact with a covered process containing a flammable substance. If this coverage is enacted, these tanks would be subjected to OSHA's standards regarding tank specifications, inspections, and fines if in violation of the regulations.

We strongly support the U.S. Chemical Safety and Hazardous Investigation Board's recommendation to expand OSHA's regulatory authority to include aboveground storage tanks and urge you to implement this change in your Process Safety Management Standard as swiftly as possible. We believe that expanding coverage to include aboveground storage tanks will go a long way in reaching our common goal of reducing catastrophic events like the one experienced at the Motiva refinery in Delaware City.

Thank you for your consideration of our request. If you have any questions, or need additional information, please do not hesitate to contact us.

Sincerely,

Joseph R. Biden, Jr.
United States Senator

Thomas R. Carper
United States Senator

Michael N. Castle
Member of Congress

